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STATE FOR ISN/CB, VCI/CCA, L/NPV, IO/MPR,  
SECDEF FOR OSD/GSA/CN,CP>  
JOINT STAFF FOR DD PMA-A FOR WTC  
COMMERCE FOR BIS (ROBERTS AND DENYER)  
NSC FOR FLY  
WINPAC FOR WALTER

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TAGS: [PARM](#) [PREL](#) [CWC](#)  
SUBJECT: CWC: WRAP UP FOR NOVEMBER 3-12, 2008

REF: A. THE HAGUE 928  
[1](#)B. GRANGER-ISN/CB E-MAIL 11-6-08

Classified By: Ambassador Eric M. Javits for reasons 1.4 (B) and (D)

This is CWC-55-08

[1](#)1. (U) ACTION REQUEST: Please see para 26.

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SUMMARY  
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[1](#)2. (U) The pace of meetings began to speed up in anticipation of the Conference of the States Parties (CSP-13). The Western European and Others Group (WEOG) held regular weekly meetings on November 4 and November 12. Informal consultations continued on

Articles XI and VII, with no agreement on action to be taken on either issue at the CSP. The CSP-12 General Committee met on November 6 to accept nominations for leadership positions and committee members for the upcoming CSP.

[1](#)3. (C) Ambassador Javits and Delreps called on the Chinese Ambassador and his delegation to discuss current issues, including the OPCW budget and Taiwan's request to have its Chemical Industry Association attend the CSP as an observer. A Washington-based FBI official met with the Delegation for a briefing on the Del's work with the OPCW.

[1](#)4. (U) Septel on the Industry Cluster meetings November 13-14 follows.

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WEOG  
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[1](#)5. (U) At the November 4 meeting of WEOG, Coordinator Ruth Surkau confirmed WEOG candidacies for the Conference of the States Parties (CSP) had been approved: the U.S. and Germany as Vice-Chairs; Portugal and Finland for the Credentials Committee (with Finland as Chair); and experts from Sweden, the U.S., and Germany for the Confidentiality Commission.

Italy confirmed that it did not have a replacement for its departing expert, after which the UK offered a candidate absent any other nominations for the fourth WEOG slot on the Confidentiality Commission.

¶6. (SBU) On current consultations, delegations noted the variety of interventions by delegations during the Article VII meeting on October 30, and Iran's evident isolation (ref A). Budget facilitator Martin Strub noted that he was still gathering views from interested delegations and would schedule consultations a bit later than others might have expected in order to avoid giving delegations too many opportunities before the CSP to re-open the entire budget discussion. Delegations raised the continuing issue of OCPF (Other Chemical Production Facility) inspections resting with China and India, and the UK reminded the group that Iran's goals on the budget are not yet apparent.

¶7. (SBU) On Article XI, the group briefly discussed the Iranian and Cuban proposals, and there was general agreement that no funding should be committed for an Article XI workshop until a clear program had been agreed, in order to avoid financing an "Australia Group bashing" event. Italy and the Netherlands also noted that there is currently no delegation willing to move the workshop proposal forward, a situation which is certainly not problematic for WEOG. Amb. Javits advocated taking the high road on Article XI, speaking positively about the workshop but without worrying how long discussions continue if others block action.

¶8. (U) Under Any Other Business, Surkau noted that all references to non-proliferation had been removed from the final version of the UN First Committee's annual CWC resolution. France noted that an Ethiopian member of the UNSCR 1540 Committee has been invited to give a lunchtime presentation on 1540 during the EU-sponsored National Authorities Day on December 1.

¶9. (U) At the November 12 meeting of the WEOG, Surkau noted that WEOG was the only group to have completed its CSP nominations, and there had been no objections to the WEOG candidates. Japan was the only candidate to date for the Chairmanship, but there was no news on an African candidate for the Committee of the Whole.

¶10. (U) On current consultations, delegations noted the unusually frank discussions that had taken place on the Chinese facilitator's Article XI paper during the meeting on November 4 (see below). On Article VII, the group discussed the form of facilitator Said Moussi's draft proposal, which looks very much like a decision, and the fact that it perhaps underemphasized the amount of work still remaining for full and effective implementation of the Convention to be realized. The UK expressed concern that an Article VII decision might open the door for an Article XI decision, which could be far more problematic. EU delegations were unsure as to whether a decision would be required for continued EU funding of Article VII activities, and the WEOG agreed that the best tactic for now would be to leave the format (decision or report language) in question.

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ARTICLE XI  
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¶11. (U) Li Hong (China) chaired consultations on Article XI on November 4. The meeting was well-attended but made no progress on the boundaries of the proposed workshop to brainstorm concrete implementation measures. Amb. Javits set a positive

tone, noting that the workshop is something everyone wants to see succeed but it needs to be shaped first before budget considerations enter into the discussion. A number of delegations (France, Italy, Japan, Algeria, South Africa) agreed on the positive approach and the need for specifics as to what the event will address. After some veiled references to political difficulties, Amb. Javits responded that the workshop should be a constructive discussion, not a political one, and that it should avoid "Australia Group bashing." This led to greater frankness in the subsequent discussion on the political issues behind the normally indirect discussions. While a refreshing change, it did not lead to any further agreement on what the workshop (or the facilitation) should address. Delrep suggested that the objectives of the workshop might be framed as questions that need to be answered rather than pre-determining the results. The Irish and Australian delegates called for more specifics and noted the need for achievable results. Chairman Li noted the need for technical expertise in designing the workshop, rather than trying to plan all of the specifics in the consultation.

¶12. (U) Iran, true to form, said a full discussion of all aspects of Article XI is needed and asked for a Qall aspects of Article XI is needed and asked for a new paper well in advance of the next meeting so that the delegation could get instructions from Tehran. The Iranian delegate also questioned what progress the consultation could report to the Conference of the States Parties, strongly implying that nothing has been done. Several delegations, including Germany and Cuba, responded that the proposed workshop has taken a lot of time in discussion and should be reflected in the CSP report.

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FBI VISIT  
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¶13. (SBU) Joseph Campbell, Section Chief of the FBI's WMD Directorate in Washington, met with Delreps on November 5 during a visit to The Hague. Timothy Wallach, the FBI legal Attache in The Hague, accompanied him. Delreps briefed them on the Delegation's role at the OPCW and responded to Campbell's questions on possible training and challenge inspection exercises following the earlier visit to OPCW of Dr. Vahid Majiki and Jeff Muller of the WMD Directorate. Delrep advised that ISN/CB would be the best point of contact for the FBI in planning any potential programs with OPCW.

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CHINESE AMBASSADOR  
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¶14. (SBU) On November 6, Amb. Javits and Delreps met with Chinese Ambassador Zhang Jun and members of his OPCW delegation. Amb. Javits raised the draft 2009 budget as the main issue at the upcoming CSP and the number of OCPF inspections as the only point of contention with the budget. He expressed his understanding that China wants outstanding issues involving OCPF inspections to be addressed, and shared his belief that the Industry Cluster facilitations will make progress in solving problems and developing better methodology. Amb. Javits said that the pressure to increase OCPF inspections is driven by the large number of OCPFs and the fact that there is no clear indication which ones pose the greatest risk. He stressed that it was advisable to follow the Director-General's (DG) recommendation and that increasing the number by ten would not adversely affect China. Amb. Javits also noted that the annual cap on Schedule 3 and OCPF inspections protects

countries from being over-burdened.

¶15. (SBU) Amb. Zhang responded that China's principled objection to increasing OCPF inspections is due to its belief that the OPCW should focus on destruction, rather than non-proliferation, before ¶2012. He said that destruction of Japanese abandoned chemical weapons was a burning issue in China; that there were frequent incidents and injuries; that it was a potential source of civil unrest; that destruction of "JACWs" still has not started and that China does not want Japan to procrastinate in meetings its obligations. Amb. Zhang said that China has had to host increased inspections of ACW sites, in addition to industrial facilities. He emphasized that ACW inspections are more important than OCPF inspections and that even one more OCPF inspection in China will make allocating already-stretched resources difficult. Amb. Javits replied that he would include Old and Abandoned Chemical Weapons in his national statement at the CSP but urged Chinese re-consideration of the OCPF numbers in order to pass the budget.

¶16. (SBU) Amb. Zhang said that China shares the concerns of some other developing countries, like India, but not always of others, like Iran. He remarked that a view among developing countries is that increasing OCPF inspections symbolizes a shift in focus in the OPCW's priorities; any increase in OCPF inspections needs to be accompanied by a firm OOCPF inspections needs to be accompanied by a firm commitment to the CWC's destruction aims. Amb. Javits commented that an extra ten OCPF inspections will not shift the OPCW's focus away from destruction and stressed the U.S.'s commitment to and focus on destruction.

¶17. (SBU) Deputy Perm Rep Li Hong interjected that there have been issues with OCPFs since the Preparatory Commission, which was one reason why OCPF inspections did not commence until 2001. With 13% of inspections in 2007 having been "wasted," Li asked why there is a rush to increase inspection numbers while good proposals for fixing the OCPF inspection regime currently are under consideration. He also reiterated China's understanding from the Second Review Conference that the number of OCPF inspection would not increase until outstanding issues were resolved. Amb. Javits countered that the RevCon spoke to frequency of inspections and not overall numbers. He also noted that solving all outstanding problems could take three to five years and, while solving problems should be a priority, inspections must continue and not be allowed to remain static.

¶18. (SBU) Turning from OCPFs, Amb. Javits and Delrep noted that the upcoming departures of Li Hong and Gao Huijin will be a loss to the OPCW, especially considering Li's work as facilitator Article XI and Gao's work on the ABAF. Delreps noted that the U.S. is looking at possible reform of the Advisory Body on Administrative and Financial Matters, including possible funding for experts whose governments could not fund their travel to meetings, and said they would like to consult Gao and the Chinese delegation further on this in the weeks ahead.

¶19. (SBU) Amb. Zhang shared that the Japanese ambassador's candidacy for CSP Chairman has been raised in the Asian Group, to which he did not foresee any strong opposition. He noted that China was happy to remain one of the CSP vice-chairs.

¶20. (C) Amb. Javits also raised the "delicate" issue of observer status at the CSP for Taiwan's industry association. Amb. Zhang commented that the situation with Taiwan is improving but that the policy had not

yet changed. He believed that when Taiwanese participation in the World Health Organization is resolved, an issue on which he had worked in his previous posting, Taiwan's status with other international organizations would follow. Amb. Javits noted his promise to Zhang's predecessor, which he extended to Amb. Zhang, that the U.S. would not take any action on Taiwan's status at the OPCW ahead of China.

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CSP GENERAL COMMITTEE  
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¶21. (U) Ambassador Idris (Sudan), the CSP-12 Chairman, held a General Committee meeting on November 6 to discussion nominations and planning for CSP-13. Secretary Khodakov reported that for the Executive Council before the Conference, there should be 72 hours notice. Most of the documentation for CSP-13 was available, he said, with the annotated agenda expected shortly. The Iranian delegate asked whether the EC could be held after the CSP. The Director-General replied quite pointedly that the Organization would be paralyzed with no budget, and that there would then be no money to hold another EC or CWP to pass the budget. A heated discussion ensued on whether the EC to pass the budget had to be held before the CSP began, with the Russian Ambassador requesting the EC-54 report on the QAmbassador requesting the EC-54 report on the deferral be read to the group. Amb. Tomova, Chairperson of the EC, stated that the EC would be held before the CSP. Amb. Javits noted past experience with needing an EC during the Conference, echoed by France and Germany. The Costa Rican and Russian Ambassadors weighed in to emphasize that the EC should be held prior to the CSP.

¶22. (U) WEOG was the only regional group that had nominated candidates for all of its positions: CSP-13 Vice Chairs -- Germany and U.S., Credentials Committee -- Finland and Portugal; Executive Council members for 2009-2011 -- France, Germany, Italy, UK and U.S.

¶23. (U) For the Asian Group, China reported that Japan had been nominated for the Chair of the Conference, with no other candidates, but that the group had not yet met to confirm the nomination. For the EC members, Asia had nominated China, India, Korea, Japan and Saudi Arabia, all to be confirmed. GRULAC had nominations for three of its four EC seats: Argentina, Brazil and Mexico. (Del note: At a later WEOG meeting, Amb. Burkart reported that GRULAC had agreed on CSP-13 Vice Chairs -- Costa Rica and Ecuador, Credentials Committee -- Argentina and Bolivia, and EC members -- Argentina, Brazil, Mexico and Uruguay. There was still no update from the other regional groups).

¶24. (U) The Chairman closed the meeting, noting that another General Committee would have to be held before the CSP-13 and that regional groups needed to agree on their candidates.

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NEW OCPF FACILITATOR  
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¶25. (U) On November 6, Delreps met with the newly appointed facilitator for OCPF Declaration Enhancements, Marthinus van Schalkwyk (South Africa). Van Schalkwyk said that he was meeting informally with delegations from countries with 50 or more OCPFs to gather their views prior to the first consultation on OCPF Declaration Enhancements on November 14. He informed Delreps of his plan to focus only on the Technical Secretariat's (TS) Note on enhancing

information on OCPF plant site characteristics that required a decision by States Parties (EC-53/S/5). He noted that action on the DG's Note on enhancing OCPF declarations (EC-53/DG.11) is within the Technical Secretariat's purview and he did not want to prolong discussion on something SP's cannot change. Based on discussions with Bill Kane (Head, Industry Verification Branch), van Schalkwyk said that the TS was ready to implement the DG's note without further consultations. He also said that the TS would like to limit the pool of relevant inspectable OCPFs to 500-800 sites (out of approximately declared 4500 sites).

¶26. (U) On the TS Note, van Schalkwyk said that he planned for Legal Advisor Santiago Onate to address any legal concerns raised by delegations. He predicted possible problems when discussion turns to the A-14 algorithm, specifically assigning a value to the new information. Van Schalkwyk noted that -- for security reasons -- South Africa already collects information on plant site characteristics and asked if the U.S. does the same. He also asked if implementing the TS's Note -- i.e., changing the OCPF declaration form to include questions on plant site characteristics -- would require legislative or regulatory changes for the U.S. (ACTION REQUEST: Please provide guidance/answers for Del to pass to van Schalkwyk on these two questions.)

¶27. (U) Van Schalkwyk stated that he intended to use the first consultation on November 14 for delegations to air their views and initial positions before getting down to business in early 2009. He told Delreps that he intends to hold regular consultations between sessions of the Industry Cluster. Van Schalkwyk recognized that this might pose difficulties for delegations relying on experts from capitals but said that it would be necessary to maintain the momentum of discussion and promised to give sufficient notice in advance of meetings to either allow for travel or for delegations to obtain instructions.

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GENEVA GROUP MEETING  
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¶28. (U) On November 7, Co-chair Diana Gosens (Netherlands) hosted a meeting of the local Geneva Group primarily to discuss the pending 2009 draft budget. Gosens and the Group welcomed Mexico as the newest Geneva Group member, represented by Amb. Jorge Lomanoco and Blanca Polo at the meeting. Budget facilitator Martin Strub (Switzerland) said that the main outstanding issue is the number of inspections, specifically the increase in OCPF inspections by ten. He noted that the DG has decided to stick to the draft budget and is unwilling to make any new proposals; therefore, any compromise proposals will have to come from delegations. Strub announced his plan to re-start consultations on November 14 without a TS presence. He also briefed the Group on his discussions with Non-aligned Movement (NAM) delegations, noting that the NAM does not have a unified position:

- India wants a redistribution of the additional ten inspections between scheduled chemical facilities and OCPFs;
- China wants to get rid of the additional ten inspections altogether, on principle;
- South Africa still has concerns on some key performance indicators (KPIs);
- Iran is fixated with the Medium-term Plan, the Office of Special Projects and some KPIs.

¶29. (U) In addition to discussing how to proceed with

budget negotiations, Delreps also highlighted the issue of reform of the Advisory Body on Administrative and Financial matters (ABAF) as a topic for future discussion, noting that the Del has begun looking into mechanisms for improving the ABAF's functioning.

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ARTICLE VII  
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¶30. (U) On November 12, Article VII facilitator Said Moussi (Algeria) presented a draft proposal on how to address Article VII at the CSP. (NOTE: Moussi's proposal was sent to Washington by unclassified email, ref B.) Moussi noted his intention to have the special EC meeting consider the proposal before sending it to the CSP. In consideration of previous discussion, Moussi left the proposal's format unresolved, though it most closely resembled a draft decision.

¶31. (U) Reiterating views from previous consultations, the Russian delegate spoke in favor of having a strong decision and said that Moussi's draft was a good start. Russia said that progress has not been "steady" -- as indicated in the draft -- and suggested adding "concern" as well as a deadline for action, as in previous years' decisions.

¶32. (U) In the first of many interventions, Iran said it wanted to discuss the pros and cons of each paragraph. be&YlNSWQQica noted that the proposed title -- specifically "full and effective implementation" -- differs from previous years and asked that it be Qdiffers from previous years and asked that it be changed. South Africa also reiterated that data on submissions of annual declarations in the annual Article VII report is misleading and should be removed from future reports.

¶33. (U) Taking the floor again, Iran insisted that it needed to have a discussion on the overall approach before delving into a textual analysis of the facilitator's draft proposal. Moussi responded that his proposal was based on previous discussions and specific comments raised by many different delegations. He noted his attempt to balance different views in the text and stressed that the goal is to enhance the TS's capacity, encourage States Parties to act, and promote synergies.

¶34. (U) Germany commented that the draft proposal addressed the need for State Parties to take further action, for the TS to continue its work and for other States Parties to help. While agreeing that the text's tone should remain positive and encouraging, Germany suggested that it should also be clear that more needs to be done. The Netherlands and the UK echoed many of Germany's comments, noting that the draft reflects discussions to date and reiterating the need for a balance between welcoming progress and noting concern at the need for more action and further progress.

¶35. (U) Reflecting on what it saw as large differences on how to reflect elements within the proposal, China suggested delegations take more time to reflect and to consider past documents. Pakistan agreed with China on the need for more time to reflect and discuss but also said that there appeared to be consensus on what approach to take and that the draft proposal was well balanced. Iran stated that some of its desired elements -- including reference to Article XI(e) -- were missing from the draft. Iran also stressed that it does not want to criticize any States Parties making honest efforts toward implementation.

¶36. (U) Delrep suggested that the text could simply cite actual data rather than using adjectives to describe progress, as had been done during the RevCon. Delrep also echoed the Russian suggestion to introduce new deadlines for action and explained the need to show that more work needs to be done, partly in order to justify further assistance. South Africa closed discussion by referring to the previous year's decision, calling it more balanced and asking for the facilitator to consider replacing elements of his draft with those from the previous decision.

¶37. (U) Javits sends.  
FOSTER